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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,516

10/02/2003

Wataru Shinozaki

03600/LH

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7590

10/16/2006

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC

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EXAMINER

CAO, PHUONG THAO

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/678,516	Applicant(s) SHINOZAKI, WATARU	
	Examiner Phuong-Thao Cao	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 and 07 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Amendment filed on 07/31/2006.
2. Claims 1-4 have been amended. Currently, claims 1-4 is pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

4. The drawings are objected to because they fail to show necessary textual labels of features or symbols in Fig. 1-4 as described in the specification. For example, placing a label, "audio and image recording apparatus", with element 1 of Fig. 1, would give the viewer necessary detail to fully understand this element at a glance. A descriptive textual label for each numbered element in these figures would be needed to better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be labeled in the drawing. Optionally, the applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.84(n)(o), recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known

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devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible."

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Otsuka (US Patent No 5,262,877).

As to claim 1, Otsuka teaches:

"A data editing apparatus" (see Abstract) comprising:

"a storage section" (see [column 3, lines 35-40] wherein optical disk is equivalent to a storage section), including:

"a first storage area to store audio data and image data that is linked to a predetermined playback position of the audio data, and a second storage area to store only image data and no audio data" (see [column 3, lines 55-60] wherein identification field is equivalent to Applicant's

“first storage area”, and see [column 7, lines 45-55] wherein the image memory or video memory is equivalent to Applicant’s “second storage area”);

“link release means for canceling a link between arbitrary audio data and image data linked therewith which are stored in the first storage area” (see [column 7, lines 60-67] and [column 9, lines 5-30] wherein the replacement of the sample images with the desired images implies the canceling a link between audio data with the sample images and creating a link between audio data and the desired images; also see [column 3, lines 25-40]); and

“moving means for moving the image data, from which the link is canceled from the first storage area to the second storage area when the link is canceled by the link release means” (see [column 9, lines 3] for the disclosure of the image data in the identification field (first storage area) is read out therefrom into the video memory (second storage area) which is equivalent to Applicant’s claim language).

As to claim 4, Otsuka teaches:

“A computer-readable storage medium having a data editing program stored thereon which is executable by a computer to cause the computer to edit audio data and image data linked to a predetermined playback position of the audio data, wherein the audio data and the image data linked thereto are stored in a first storage area” (see Abstract and [column 3, lines 25-60] wherein images and voices framed into the formatted recording fields must be linked to a predetermined playback position and the identification field storing images and voices as samples in frames is equivalent to Applicant’s “first storage area”), the program being executable by the computer to cause the computer to execute functions comprising:

“canceling a link between arbitrary audio data and corresponding image data stored in the first storage area” (see [column 7, lines 60-67] and [column 9, lines 5-30] wherein the replacement of the sample images with the desired images implies the canceling a link between audio data with the sample images stored in the identification field (first storage area) and creating a link between audio data and the desired images; also see [column 3, lines 25-40]);

“moving the image data , from which the link is canceled, from the first storage area to a second storage area when the link is canceled” (see [column 9, lines 3] for the disclosure of the image data in the identification field (first storage area) is read out therefrom into the video memory (second storage area) which is equivalent to Applicant’s claim language);

“wherein only image data, and no audio data, is stored in the second storage area” (see [column 7, lines 45-55] wherein image memory or video memory is equivalent to Applicant’s “second storage area”).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka (US Patent No 5,262,877) as applied to claim 1 above, and further in view of Forster (Publication No US 2003/0167287).

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Otsuka does not teach “inhibiting means for inhibiting the movement of the image data from which the link is canceled if the same image data as the image data to be moved is already stored in the second storage area”.

Forster teaches “inhibiting means for inhibiting the movement of the image data from which the link is canceled if the same image data as the image data to be moved is already stored in the second storage area” (see [0041] wherein modified file is not copied into the file collection when modified file is identical to existing file in the file collection represents an inhibiting means as illustrated in Applicant’s claim language).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Otsuka by the teaching of Forster to include an inhibiting means for inhibiting the movement of the image from which the link is canceled if the same image data as the image data to be moved is already stored in the second storage area, since the inhibiting means reduces time and resource cost involved in the moving process. As a result, the system proceeds more efficiently and effectively.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka (US Patent No 5,262,877) as in claim 1 above, and further in view of Miller et al. (Publication No US 2003/0018777)

Otsuka does not teach “wherein when canceling the link information, the link release means rewrites header information of the audio data and rewrite header information of the image data to cancel the link between the audio data and the image data”.

Miller et al. teach “wherein when canceling the link information, the link release means rewrites header information of the audio data and rewrite header information of the image data to cancel the link between the audio data and the image data” (see [0075] and [0089] for including link information in file header).

It would be obvious to a person having an ordinary skill in the art at the time the invention was made to have modified Otsuka by the teaching of Miller et al. to store link data within the audio data and image data, especially in their file header since this provides an effective and convenient way to manage and control the link information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

October 6, 2006

Julie S. Wassum
Primary Examiner
Art Unit 2167